

ORIGINAL

from
5/2/01 to
copyIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,

Plaintiff

v.

CONSOLIDATED FREIGHTWAYS,
INC.,

Defendant

CIVIL ACTION NO. 1:CV 01-285

JUDGE SYLVIA H. RAMBO
[Signature]

JURY TRIAL DEMANDED

FILED
HARRISBURG, PA.

MAY 02 2001

MARY E. D'ANDREA, CL.
Per Deputy Clerk**CONSOLIDATED FREIGHTWAYS CORPORATION'S STATEMENT OF
UNDISPUTED MATERIAL FACTS**

Consolidated Freightways Corporation of Delaware (hereinafter "CF"),
through its attorneys, hereby submits its Statement of Undisputed Material Facts.

1. Plaintiff is referred to as "Dick Ski" at CF. Rice Declaration ¶ 2.
2. Plaintiff commenced employment with CF in April of 1972.

Compl. ¶ 8.

3. In August of 1999, Plaintiff was re-assigned – first to the
Philadelphia Terminal and then to the York terminal. Compl. ¶ 11.

4. At the time of his re-assignment, Plaintiff was 56 years old.
Compl. ¶ 14.

5. Prior to his re-assignment, Plaintiff's was CF's Assistant Terminal
Manager in charge of Linehaul Operations for the Carlisle Terminal. Compl. ¶ 11.

6. James M. Kot, under the title Regional Dispatch Manager,
assumed Plaintiff's former duties as Assistant Terminal Manager in charge of Linehaul
Operations. Rice Declaration ¶¶ 1-2, 4.

7. Mr. Kot was 50 when he assumed Plaintiff's former duties. Rice Declaration ¶¶ 1, 3.

8. Mr. Kot's "Employee Change Notification" form dated September 13, 1999, expressly identifies that Mr. Kot replaced Plaintiff. Rice Declaration ¶ 4, Ex. A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent Candello", is written over a horizontal line.

VINCENT CANDIELLO
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Of Counsel:

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 2, 2001

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consolidated Freightways Corporation's Statement of Undisputed Material Facts has been served via U.S. Mail, postage prepaid, on this **2nd day of May, 2001**, upon the following:

Lawrence L. Markowitz, Esquire
Markowitz & Krevsky, P.C.
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G. SCOTT PATERNO